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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,055	12/02/1999	EIKATSU YAMAGUCHI	32405WO27	2115

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EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 02/22/2002

69

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/453,055

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Jeff H. Aftergut

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

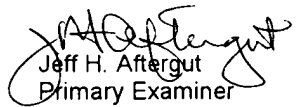
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-6 and 10-13.

Claim(s) withdrawn from consideration: 14 and 15.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.


Jeff H. Aftergut
Primary Examiner
Art Unit: 1733

Continuation of 2. NOTE: The proposed amendment has altered claim 1, for example, by including the use of glass microspheres in the resin film (while not including that the sealing material was formed from a plurality of films which included glass microspheres as was previously recited in claim 3). As such claim 1 appears to be a hybrid claim which recites parts of claim 1 and 3 which does not require that there be plural films with the microspheres. As such newly submitted claim 1 would require further search and/or consideration. Additionally, newly made independent claims 6 and 13 (which previously depended from claims 1 and 2 respectively) now merely recite the use of plural films, however there is no mention of the sealing effect of claims 1 and 2 which previously required that the sealing material prevent the flow of adhesive into the core during impregnation via RTM. As such claims 6 and 13 are also hybrid claims which do not include all of the limitations of previously submitted claims 1 plus 6 and 2 plus 13. The applicant is advised that claiming such hybrids (i.e. portions of previously submitted claims) would certainly at a minimum require further consideration and/or search and such does not materially reduce or simplify the issues on appeal.

Continuation of 5. does NOT place the application in condition for allowance because: as expressed in paper no. 6, it would have been obvious to employ glass microspheres within the plural resin layers (films and prepreg) in order to reduce the cost of manufacture when plural films were used. The fact that applicant employed the spheres for a different purpose does not negate the fact that such would have been employed in the prior art process for the reasons specified (reduction in cost and increase in stiffness).